

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 155475.2/Gy	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2005/050295	International filing date (day/month/year) 24.01.2005	Priority date (day/month/year) 29.01.2004
International Patent Classification (IPC) or national classification and IPC H04Q7/32, H04M 17/00		
Applicant SWISSCOM MOBILE AG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 5 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____

_____ containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. 1

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1, 3-8 as originally filed/furnished

pages* 2, 2a received by this Authority on /filed with the demand

pages* _____ received by this Authority on _____

☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-10 received by this Authority on /filed with the demand

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets 1/2, 2/2 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. The present invention relates to a method (claim 1) for transferring useful data between a first telecommunications appliance and a second telecommunications appliance, and to a corresponding system (claim 9).			
1.1 Document DE 100 39 434 A (D1) , which is considered to represent the closest prior art, describes a method according to the preamble of claim 1 , in which pre-paid access data are generated and stored in the first telecommunications appliance and include a first key and control data (e.g. counter). A corresponding second key is stored in a network control unit. In D1, however, when useful data are transmitted, the amount of useful data is counted, for example in the telecommunications appliance, and a counter certificate is produced using the first key in order to confirm to the network control unit that the counter in the telecommunications appliance has been decremented by the amount of useful data. The network control unit uses the second key to check the counter certificate. Consequently, both			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

useful data and control data (i.e. counter certificates) are separately transferred between the telecommunications appliance and the network control unit. Moreover, the **useful data are not secured by the first key.**

Consequently, the problem addressed is that of providing an efficient and secure transfer and billing of useful data.

According to the subject matter of **claim 1**, this problem is solved in that the telecommunications appliance determines a validity criterion on the basis of the control data (e.g. counter), **and uses the first key to encode the useful data when the validity criterion is satisfied.** The network control unit uses the second key to **check the encoding of the useful data** and transfers the decoded useful data to the second telecommunications appliance when the encoding was successfully checked. This ensures that a correct bill is **implicitly** signalled to the network control unit, together with the useful data, and that the useful data are **secured** by encoding.

This type of method cannot be found in the available reference documents, and is not suggested by those documents, either alone or in combination. **WO 03/079713 A (D2)** does not relate to the encoding **of useful data** either.

The subject matter of claim 1 should therefore be

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>considered novel and inventive (PCT Article 33(2) and 33(3)). The subject matter of claim 1 is also industrially applicable.</p> <p>1.2 The above observations likewise apply to independent claim 9, provided it satisfies the requirements mentioned in point 2 below. Claim 9 thus also meets the requirements of PCT Article 33.</p> <p>1.3 Dependent claims 2-8 and 10 contain advantageous developments of the subjects of claims 1 and 9, and thus also meet the novelty, inventive step and industrial applicability requirements.</p> <p>Further observations</p> <p>2. For the following reasons, the wording of independent claim 9 is unclear (PCT Article 6):</p> <p>2.1 Owing to the reformulation of the process steps in the original claim 9, it is not clear from the amended claim 9 that the central module includes means "for generating a corresponding second digital key" (see claim 9, page 10, line 29).</p> <p>2.2 Furthermore, the statement that "the first telecommunications appliance comprises means for checking validity criteria of pre-paid access data stored in the memory module" (see claim 9, page 11, lines 5-7) is inconsistent with the description (see, for example, page 3, lines 17-</p>

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	<p>20), and with the original claim 9. According to the latter, the validity criteria are checked on the basis of/using control data of pre-paid access data stored in the memory module.</p> <p>2.3 The feature "in the memory module" (see claim 9, page 11, line 6) is unclear because this feature is not based on a clear previous reference. It is pointed out that, owing to the reformulation of the process steps in the original claim 9, the "memory module" became a "means for storing pre-paid access data" (see claim 9, page 11, lines 1-2).</p> <p>2.4 It is clear from page 3, lines 21-24, of the description, that the feature that "the MSC comprises means for checking by means of the second digital key whether the encoded useful data have been encoded with the first key, and for decoding the useful data when the check was successful" is necessary for the definition of the invention. Since independent claim 9 does not contain this feature, it does not meet the requirement of PCT Article 6 in conjunction with PCT Rule 6.3(b), according to which each independent claim must include all the technical features that are necessary for the definition of the invention.</p>